

## REMARKS

Favorable reconsideration and withdrawal of the rejection set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 13-26 are now presented for examination. Claims 13, 18 and 23 are the only independent claims.

Claim 23 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,669,277 (Perrone). With regard to the claim as currently amended, this rejection is respectfully traversed.

Pending independent Claim 23 is directed to a sheet punching device that cuts holes in a sheet conveyed at predetermined sheet conveying intervals while punches enter die holes. In the device, each of plural punch trains has plural of the punches that are axially aligned on a rotating shaft and project in a radial direction of the shaft. The plural punch trains are disposed with a phase difference the shaft rotation direction relative to one another. The die holes are disposed in correspondence with the plural punches. Numbers of the plural punches in the plural punch trains are different from one another. One of the plural punch trains is selectively used in cutting holes in the sheet. After the sheet in which holes are cut by one of the plurality of punch trains has passed, punches of another of the plural punch trains and die holes are engages with one another during the predetermined sheet conveying intervals.

In Applicants' view, Perrone discloses a method of changing punched hole formats in paper for loose leaf binder pages or the like, using cooperating rollers for the male punches and female die members having the various formats embodied therein. After the male punches are

projected into the female die members for any one selected format for achieving alignment or registration therebetween, this alignment for any other subsequent format does not have to be repeated. Only the punches are placed in mounting openings on the male punch roller for the subsequent format; the female die members being no problem because they do not, without a cooperating male punch, cause punched holes in the paper.

According to the invention of Claim 23, plural punch trains have different numbers of punches; one of the punch trains is selectively used in cutting holes in a sheet; and, after a sheet in which holes are cut by one of the punch trains has passed, punches of another of the punch trains and die holes are engaged with one another in the sheet conveying predetermined intervals. Advantageously, the holes of the number of punches in one of the punch trains that is selectively used are cut in all the sheets conveyed at the predetermined intervals.

Perrone may disclose an apparatus which cuts holes in a strip 34 alternately using two punch trains having the same number of punches. The punch trains are mounted on a roller 16 offset by 180 degrees. In Perrone, punching speed is increased since two punching operations are performed in one revolution of the roller 16 by the two punch trains having the same number of punches. Perrone's apparatus, however, does not provide selective use of one of plural punch trains to cut holes in a sheet with each punch train having a different number of punches. If punch trains with different numbers of punches are used in Perrone, alternating sheets would have different numbers of holes. As a result, every time a change in hole pattern is required in Perrone, it is necessary to stop the apparatus and replace the punches in the desired pattern. In contrast, it is a feature of Claim 23 that one of several different hole pattern punch trains is selectively used to in cutting holes so that it is easy to produce sheets having cut holes in

different patterns in successive sheets. Accordingly, it is not seen that Perrone's hole pattern without selection of punch trains of different numbers of punches could possibly teach or suggest the different punch train selection features of Claim 23. It is therefore believed that Claim 23 is completely distinguished from Perrone and is allowable.

Claims 13 through 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Perrone in view of U.S. Patent No. 6,386,080 (Okamoto, et al.). This rejection is respectfully traversed. Claims 24 through 26 have been separately rejected under 35 U.S.C. § 103(a) as being unpatentable over Perrone in view of Okamoto, et al. This rejection is respectfully traversed. It is submitted that the Okamoto, et al. reference, U.S. Patent 6,386,080, were commonly owned or were under a legal obligation of assignment at the time the invention of Claims 13-22 and 24-26 was made. Accordingly, Applicants respectfully submit that Okamoto, et al. does not qualify as prior art under 35 U.S.C. § 103. See 35 U.S.C. § 103(c); "Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required by 35 U.S.C. 103(c)," 1241 O.G. 96 (Dec. 26, 2000). It is therefore believed that Claims 13-22 and 24-26 are allowable.

For the foregoing reasons, Applicants submit that none of the applicable cited art teaches or suggests the inventive features of the present invention recited in independent Claims 13, 18 and 23. Therefore, Claims 13, 18 and 23 should be deemed allowable over the art of record.

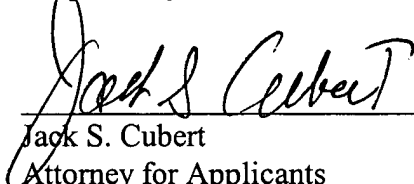
Dependent Claims 14-17, 19-22 and 24-26 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those

recited in independent Claims 13, 18 and 23. Further individual consideration of these dependent claims is requested.

It is respectfully submitted that the pending claims are allowable over the art of record and that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the present application under 37 C.F.R. § 1.116 are earnestly solicited.

Applicants' undersigned attorney, William M. Wannisky, may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

  
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